

**CALENDAR ITEM
C60**

A 7
S 6

04/23/15
PRC 6880.1
V. Caldwell

**GENERAL LEASE – RECREATIONAL
AND PROTECTIVE STRUCTURE USE**

APPLICANT:

Walter Kinney

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2589 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered single-berth floating boat dock, steel dolphin, two steel pilings, gangway, and bank protection previously authorized by the Commission; boat lift, utility outlet, and debris diverter not previously authorized by the Commission.

LEASE TERM:

10 years, beginning May 23, 2015.

CONSIDERATION:

Uncovered Single-Berth Floating Boat Dock, Boat Lift, Steel Dolphin, Two Steel Pilings, Gangway, Utility Outlet, and Debris Diverter: \$198 per year, with an annual Consumer Price Index adjustment.

Bank Protection: The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.

CALENDAR ITEM NO. **C60** (CONT'D)

2. On April 26, 2005, the Commission authorized a General Lease – Recreational and Protective Structure Use to Walter Kinney, for an existing uncovered single-berth floating boat dock, steel dolphin, two steel pilings, gangway, and bank protection. The lease expires on May 22, 2015. The boat lift, utility outlet, and debris diverter were installed at the time of construction but were not previously authorized by the Commission. Staff recommends authorization of these structures. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.
3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C60** (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Walter Kinney beginning May 23, 2015, for a term of 10 years, for the continued use and maintenance of an existing uncovered single-berth floating boat dock, steel dolphin, two steel pilings, gangway, and bank protection previously authorized by the Commission; and use and maintenance of a boat lift, utility outlet, and debris diverter not previously authorized by the Commission as described on Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof: consideration for the existing uncovered single-berth floating boat dock, boat lift, steel dolphin, two steel pilings, gangway, utility outlet, and debris diverter: \$198 per year with an annual Consumer Price Index adjustment; consideration for the bank protection: the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6880.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 206, patented August 2, 1869, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered single-berth floating boat dock with a boat lift, gangway, two steel pilings, steel dolphin, electric and water utility outlet and debris diverter lying adjacent to that parcel described in Exhibit "A" of Quitclaim Deed, recorded June 2, 1998 in Document No. 199806020252 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH that land lying immediately beneath any Bank Protection Structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 02/20/2015 by the California State Lands Commission Boundary Unit



SACRAMENTO
RIVER

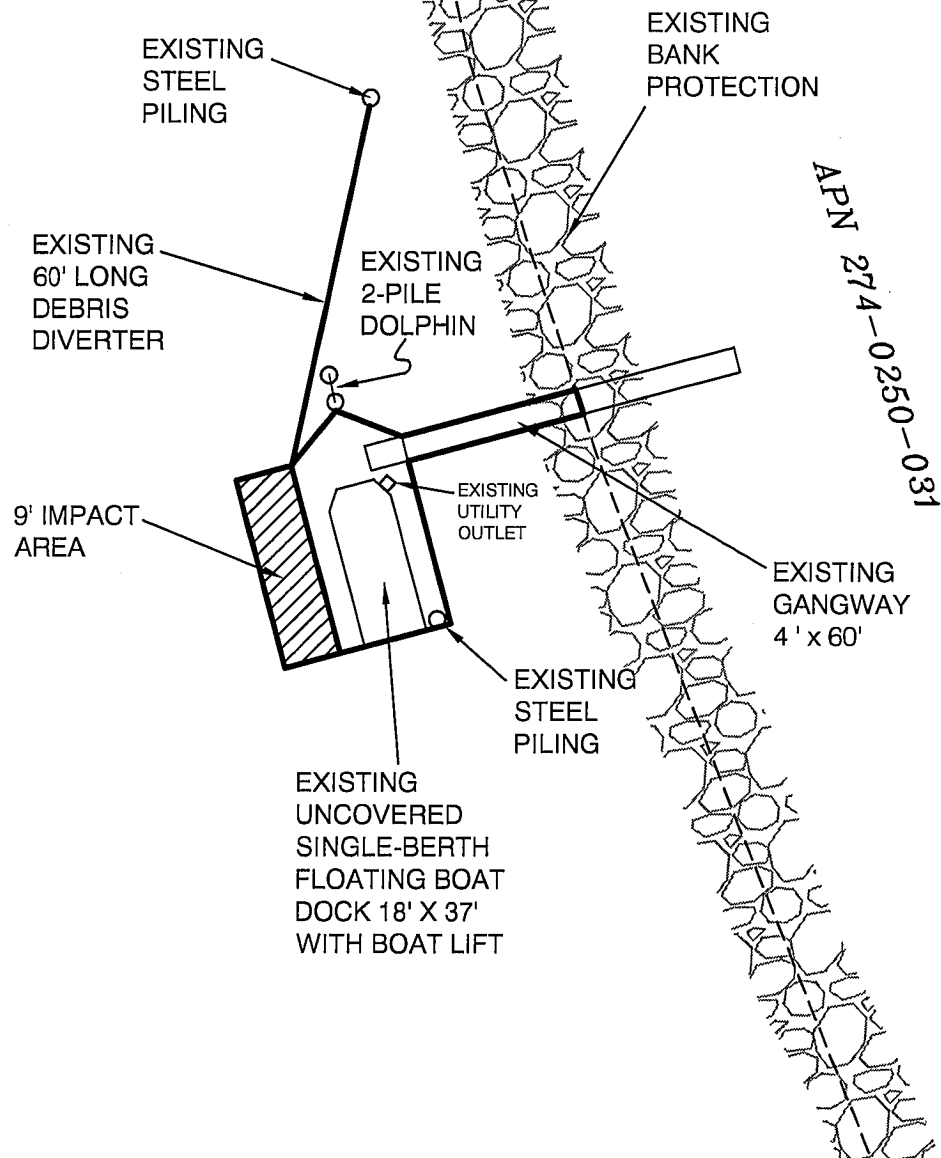


EXHIBIT A

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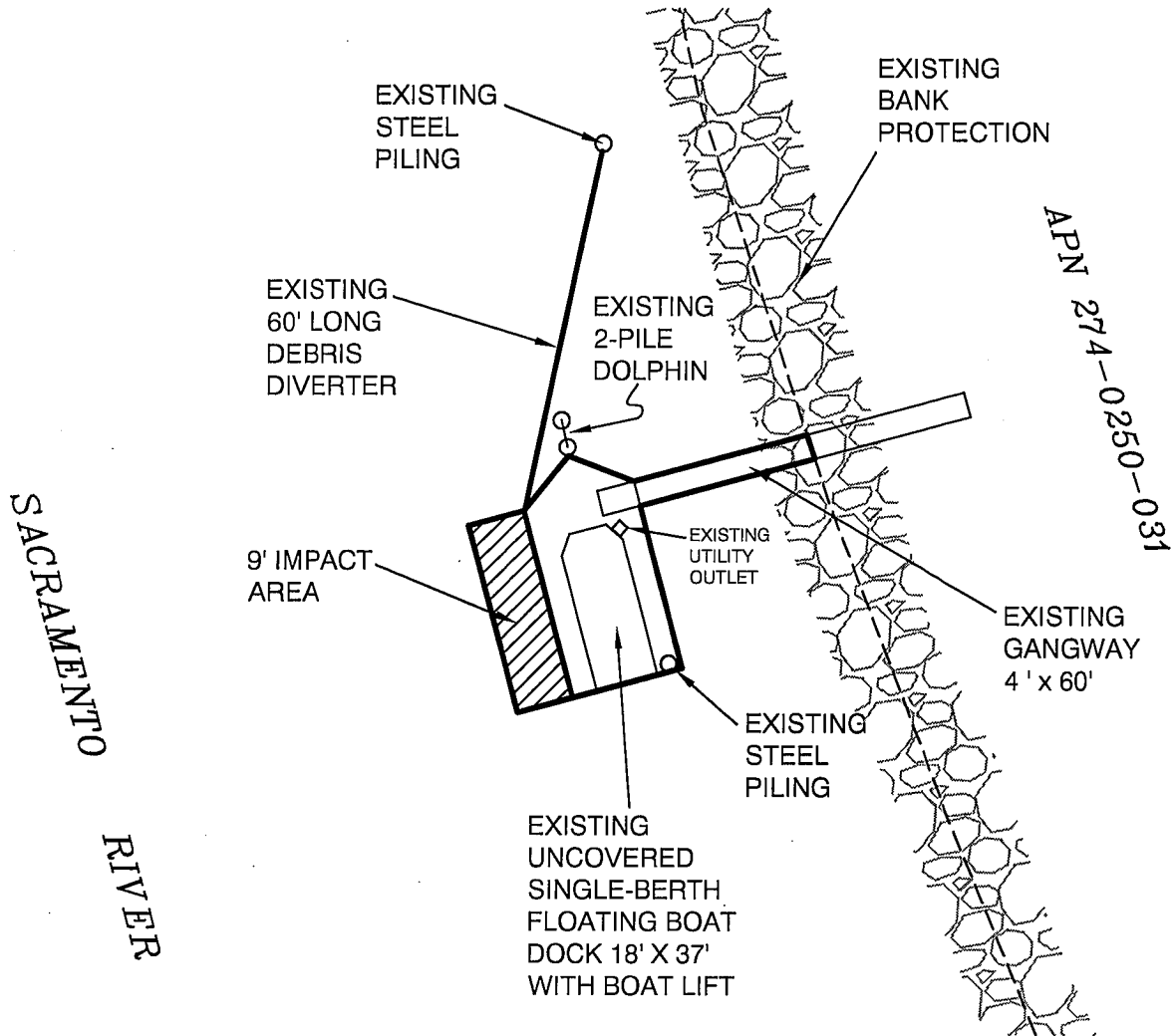
LAND DESCRIPTION PLAT
PRC 6880.1, KINNEY
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

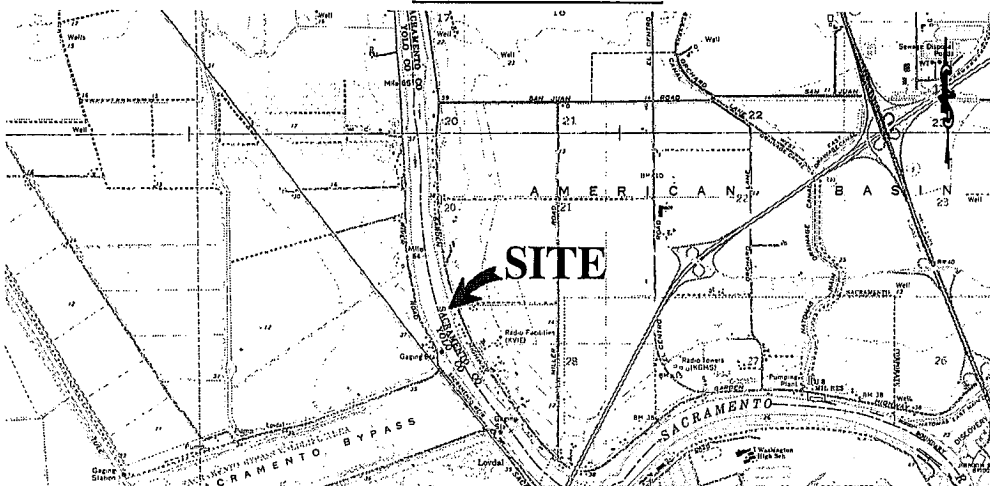
SITE



2589 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 6880.1

KINNEY

APN 274-0250-031

GENERAL LEASE -

RECREATIONAL &

PROTECTIVE STRUCTURE USE
SACRAMENTO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

TS 02/20/15